


AOC-475 Doc. Code: WEX Rev. 3-04 Page 1 of 1 Commonwealth of Kentucky Court of Justice www.kycourts.net KRS 440.400	 WAIVER OF EXTRADITION	Case No. <u>09-F-497</u> Court <u>District</u> County <u>Boyd</u>
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IN THE District COURT
COUNTY OF Boyd

RECEIVED

SEP 3 2009

SECRETARY OF STATE
COMMONWEALTH OF KY

I, Phillip K. Smith

being advised of my rights under the Statutes of the Commonwealth of Kentucky pertaining to the issuance and service of a Warrant of Extradition, and being further advised of my Constitutional Rights to obtain a Writ of Habeas Corpus, AND being charged with having committed the crime(s) of:

DISTRIBUTION OF SCHEDULE III DRUG
DISTRIBUTION OF SCHEDULE II DRUG

I do hereby, without reservation, and in view of my legal rights in extradition proceedings as explained to me, **WAIVE ANY AND ALL SUCH LEGAL RIGHTS AND DO FURTHER, BY MY SIGNATURE HERETO AFFIXED, CONSENT TO BE RETURNED TO THE STATE OF Virginia, THERE TO STAND TRIAL ON THE CHARGE(S) ALLEGED, OR SERVE SENTENCE.**

In further witness of my VOLUNTARY AND UNCONDITIONAL CONSENT, I state that my SIGNATURE BELOW was SIGNED in the presence of this HONORABLE COURT without any THREATS, PROMISES, DURESS, or AGREEMENTS whatsoever, and with full KNOWLEDGE of my RIGHTS.

DATE: 8-31-, 2009

Phillip K. Smith
Defendants Signature

VIRGINIA TO TAKE CUSTODY OF A BY FRIDAY, SEPT. 11, 2009 AT 6:00pm, SUBJECT TO ANY EMERGENCY SITUATION - ELSE A TO BE RELEASED AT THAT TIME.

The Defendant signed on 8/31, 2009, and signed in the presence of:

A IN BOYD Co. CUSTODY
ON DETAINER SINCE
8/28/09

Man J. Rosen SR; Judge
BOYD DISTRICT Court

Distribution: Original to Secretary of State
Copy to: Demanding Agent
Court
Defendant

pick up by: 9/11/09
6:00 pm

COMMONWEALTH OF KENTUCKY
UNIFORM CITATION

KSP 206 (REV 2/1/06)

COURT

OFFENDER / VIOLATOR	AGENCY <u>Boys Co. Sheriff Dept.</u>										ORI: KY <u>01000000</u>	
	NAME (LAST) <u>SMITH, Phillip K.</u>										ATTN: <input type="checkbox"/> HOME PHONE <u>None</u>	
	ALIAS										EMERGENCY PHONE <u>270-523-2729</u>	
	ADDRESS (RFD/STREET/APT. NO., ETC.) <u>203 E. 5th St.</u>										KENTUCKY RESIDENT STATUS F. <input type="checkbox"/> FULL TIME P. <input type="checkbox"/> PART TIME N. <input checked="" type="checkbox"/> NON RESIDENT	
VEHICLE	CITY <u>So. Big Stone Gap</u>					STATE <u>VA.</u>		ZIP: <u>24219</u>		MARITAL STATUS <u>Divorced</u>		
	I.D. TYPE/STATE		I.D. NUMBER		SS. NUMBER		VICTIM'S RELATIONSHIP TO OFFENDER					
					<u>224-02-4651</u>							
DATE / TIME	DATE OF BIRTH		SEX		RACE		ETHNIC ORIGIN					
	<u>1/1/61</u>		<input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE		<input checked="" type="checkbox"/> WHITE <input type="checkbox"/> BLACK <input type="checkbox"/> AM. INDIAN OR ALASKAN <input type="checkbox"/> ASIAN		<input type="checkbox"/> HISPANIC <input checked="" type="checkbox"/> NON HISPANIC					
	PLACE OF EMPLOYMENT / OCCUPATION					CITY		STATE		HEIGHT		
										<u>5'11"</u>		
CHARGE(S)	VEH. MAKE		VEH. TYPE		VEH. YEAR		COLOR		TOP/BOTTOM		ALCOHOL/DRUG INVOLVEMENT (SPECIFY)	
	<u>None</u>		<u>None</u>		<u>None</u>		<u>None</u>		<u>None</u>		<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> UNK	
	REG. STATE		REG. YEAR		REGISTRATION NO.		VEHICLE IDENTIFIERS		MPH		IN MPH ZONE	
COURT	VIOLATION DATE		VIOLATION TIME		EXACT LOCATION OF VIOLATION / ARREST		B.A. RESULTS					
	<u>8/28/09</u>		<u>0900</u>		<u>FCI Ashland</u>							
	DATE OF ARREST		TIME OF ARREST		MILES		DIRECTION		CITY		COUNTY OF VIOLATION	
	<u>8/28/09</u>		<u>0900</u>		<u>IL</u>		<u>Summit 01002</u>		<u>Boys 010</u>			
POST-ARREST COMPLAINT	VIOLATION CODE		ASCF		STATUTE / ORD.		CHARGES		#		PLEA	
	<u>23201</u>				<u>440.270</u>		<u>#1</u>		<u>1</u>		<input type="checkbox"/> FINDING	
									<u>2</u>		<input type="checkbox"/> FINAL VIOLATION CODE	
									<u>3</u>		<input type="checkbox"/> DISP. CODE	
CDL	COURT DATE		COURT TIME		COURT LOCATION		COURT CASE NO.		DISPN. DATE		TRIAL	
	<u>Arrested</u>		<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM		<u>Boys Dist.</u>						<input type="checkbox"/> B <input type="checkbox"/> J <input type="checkbox"/> N	
CASE	POST-ARREST COMPLAINT											
	<u>#1 - Fugitive From Justice</u>											
	<u>Executed Boys Co. Warrant Of Arrest On Phillip K. Smith, Charging Him With Being A Fugitive From Justice. (Wick Co. VA.)</u>											
	<u>Warrant Served By Tinsler Davis</u>											
CASE	CDL LICENSE <input type="checkbox"/> No <input type="checkbox"/> Yes											
	PLACARDED HAZARDOUS VEHICLE <input type="checkbox"/> No <input type="checkbox"/> Yes											
	COMMERCIAL VEHICLE <input type="checkbox"/> No <input type="checkbox"/> Yes											
	CDL CLASS <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C											
CASE	NAME OF WITNESS											
	ADDRESS											
	CITY/STATE											
	ADDRESS											
CASE	CASE NO. <u>2</u>											
	<u>3</u>											
	<u>4</u>											
	CARRIED FOR UCR BY CONTRIBUTOR: <input checked="" type="checkbox"/>											
CASE	OTHER AGENCY: <input type="checkbox"/> SPECIFY											
	<input type="checkbox"/> IN-CAR VIDEO <input type="checkbox"/> FINGERPRINTS <input type="checkbox"/> EVIDENCE HELD											
	<input type="checkbox"/> PHOTOS											
	OFFICER'S SIGNATURE <u>[Signature]</u>											
CASE	BADGE / I.D. NUMBER <u>5011</u>											
	ASSIGNMENT <u>12</u>											

09

K426091

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Rev. 5-03
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Commonwealth of Kentucky
Court of Justice www.kycourts.net
Rcr 2.06; RCr 4

Doc. Code: CWS



CRIMINAL COMPLAINT AND

[] ARREST WARRANT OR [] SUMMONS

Case No.

Court District

County Boyd

COMMONWEALTH OF KENTUCKY
VS.

PLAINTIFF

DEFENDANT

Name: Phillip K. Smith

Address: L/K/A Boyd County Detention Center
Catlettsburg, KY 41129

Telephone No.

SEX	RACE	BIRTHDATE	HAIR	EYES	HEIGHT	WEIGHT	OP LIC NO. and LIC. State
Male	White	1/11/1961					224-02-4651

☐ Armed or Dangerous ☒ Felony ☐ Misdemeanor Scars/Marks/Tattoos:

Employer Name:

Address:

CRIMINAL COMPLAINT

Affiant says that on August 11, 2009, in Boyd County, Kentucky, Defendant unlawfully:
committed the offense of being a fugitive from justice, KRS 440.270, UOR 73201, from the jurisdiction Wise
County, Virginia, there being an active warrant for Distributing Drugs, against the peace and dignity of the
Commonwealth of Kentucky.

Affiant's Name (type or print): Sgt. Phillip Slone

Affiant's Address: Boyd County Sheriff's Department

Affiant's Phone No.:

Date: 8-11, 2009.

Affiant's Signature

Subscribed and sworn to before me on 8-11, 2009. If a Notary, my commission expires:

_____, 2_____.

Name and Title



U. S. Department of Justice

Federal Bureau of Prisons

Federal Correctional Institution

P.O. Box 888

Ashland, Kentucky 41105-0888

April 21, 2009

Virginia Department of Corrections
Attn: Theresa Ward, Detainer Coordinator
PO Box 26963
Richmond, VA 23261

OUR: SMITH, Phillip Kim #06990-084 (KA)

YOUR: W302621 Distribution of Drugs - 1 Year - Wise County, Va Sentence

Dear Mam;

The above referenced inmate will be released from federal custody by this institution on Friday, August 28, 2009 via Good Conduct Time Release.

We have a detainer filed against this individual. If it is your intention to assume custody, the matter of extradition must be resolved through the office of the Boyd County, KY Commonwealth Attorney, 2901 Louisa Street, Catlettsburg, KY, 41129, telephone (606)739-5137. The Boyd Commonwealth Attorney will pursue extradition procedures upon receipt of a certified copy of your warrant or indictment from your state.

Failure to notify the Commonwealth Attorney's Office in a timely manner to make the proper pickup arrangements, will result in the inmate releasing to the street.

Your detainer is not sufficient for us to retain custody of this individual beyond 3:00 p.m. on the date specified in paragraph one above.

Sincerely,


Cathryn A. Wyatt

Supervisory Correctional Systems Specialist

cc: Boyd County Commonwealth Attorney
Judgement & Commitment File
Unit Team



COMMONWEALTH of VIRGINIA

Department of Corrections

GENE M. JOHNSON
DIRECTOR

P. O. BOX 26963
RICHMOND, VIRGINIA 23261
(804) 674-3000

November 12, 2008

Inmate Systems Manager
FCI-Ashland
P.O. Box 888
Ashland, KY 41105

Re: Smith, Phillip Kim
Fed Reg# 06990-084
Our: W302621 DOB: 1/1/61

Dear Sir/Madam:

Information received indicates that the above-named individual is currently incarcerated at your facility. It is requested that the enclosed certified copies of the Virginia conviction/s be placed as a detainer/judgment in our behalf. This should supersede any hold placed by the local sentencing jurisdiction for the mentioned sentence.

This individual was sentenced on 9/25/08 to a term of one (1) year for distribution of drugs imposed by the Circuit Court of Wise County, Virginia.

If Phillip Kim Smith is transferred to another facility, please forward our judgment/commitment to that facility. Please notify this office thirty days prior to the subject's release date; Virginia will extradite.

Thank you for your assistance. If you have any questions, please do not hesitate to call this office at (804) 674-3131 ext. 1543.


Theresa Ward

Detainer Coordinator
Offender Release Services

Taw
Enclosures
Commonwealth Attorney for Wise County, Virginia

DEPARTMENT OF CORRECTIONS
DIVISION OF OPERATIONS
LEGAL INTAKE WARRANT
FOR: SATURDAY, 11/01/2008

DATE: 11/01/2008
TIME: 12.59.34
PAGE: 1 OF 1

WARRANT NBR: W302621

DATE-ISSUED: 11012008

CLERK-INITIALS: JMT

SHERIFF OR JAILOR OF COMMITTING COURT: WISE

VIRGINIA

HAVING RECEIVED LEGAL NOTICE THAT: SMITH

, PHILLIP

KIM

R/S: WHITE MALE DOB: 01011961 SSN: 224-02-4651 SID: 00532953 FBI: 75429X6

HAS BEEN COMMITTED TO THE DEPARTMENT OF CORRECTIONS AS A FIRST TERM FELON FOR A
TERM OF 001 YEARS 00 MONTHS 000 DAYS. (M/S) CRIME: CONTROLLED DRUGS - SELL

PRIOR DOC NBR(S) - STATUS-DATE:

ESTIMATED JAIL CREDIT: 0050

ESTIMATED PED: INELIGBL

ESTIMATED MPD:

DESIGNATED RECEP. UNIT: 400

DOC-NBR ASSIGNED: _____

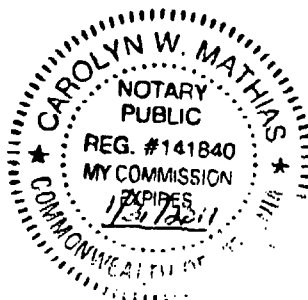
DATE RECEIVED: _____

ADDITIONAL COURT ORDERS RECEIVED

SENTENCE TERM

OFFENSE

ESTIMATED DATES ARE FOR INTAKE ASSIGNMENT PURPOSES
ONLY AND ARE NOT AN ACCURATE REPRESENTATION OF HOW
MUCH TIME THE INMATE WILL ACTUALLY SERVE.



State of Va. - Richmond
12th day of November, 2008
Carolyn W. Mathias #141840
My Commission expires 12/31/2011

VIRGINIA:

IN THE CIRCUIT COURT OF WISE COUNTY AND CITY OF NORTON

Federal Information
Standards Code: 195Hearing Date: September 25, 2008
Judge: Joseph R. Carico
COMMONWEALTH OF VIRGINIA

V CASE NUMBERS: F07-738 and F08-164

PHILLIP KIM SMITH

This day came the defendant, who appeared in person with his attorney J. Marty Adkins. Suzanne Kerney-Quillen represented the Commonwealth. Whereupon the defendant was arraigned and pleaded guilty to Count 1 of Indictment F07-738 and Count 1 of Indictment F08-164 the indictment and the Court having been advised by the defendant, his counsel, and the Attorney for the Commonwealth that there has been a plea agreement in these cases and such agreement in writing having been presented to the Court, and now filed herein, and the evidence of the Attorney for the Commonwealth, and none being offered on behalf of the defendant, the Court accepts said agreement and the plea of guilty of the defendant tendered in person and finds the defendant guilty of the following offenses:

Count:	Offense:	F/M	Offense Date:	Code Section:	VCC:
F07-738:					
1:	Distribute a Scheduled III Drug	F	10/16/2007	18.2-248	NAR-3135-F5

F08-164:					
1:	Distribute a Scheduled II Drug	F	12/21/2007	18.2-248	NAR-3042-F9

Pursuant to the provisions of Code Section 19.2-298.1 the court considered and reviewed the applicable discretionary sentencing guidelines and guideline worksheets. The sentencing guideline worksheets and the written explanation of any departure from the guidelines are ordered filed as a part of the record in this case.

Before pronouncing sentence, the court inquired if the defendant desired to make a statement, and if the defendant desired to advance any reason why judgment should not be pronounced.

The Court Sentences the defendant, in accordance with the aforementioned plea agreement, to Incarceration with the Virginia Department of Corrections as follows:

F07-738:
Count 1: Ten (10) years with nine (9) years suspended.
F08-164:
Count 1: Ten (10) years with nine (9) years suspended.
The sentences shall run concurrently.

Probation: Three (3) years supervised probation to be followed by two (2) years unsupervised probation. The probationary period shall run concurrent with the probationary period imposed on Federal charges.

Restitution: The defendant shall pay investigative restitution to the Southwest Virginia Regional Narcotics Task Force.

months after being released from incarceration. (5000.00) dollars within twelve (12)

Fine: The defendant shall pay a fine in the amount of five hundred (\$500.00) dollars.

The defendant will not be released from supervised probation until all fines, costs, and/or restitution are paid in full.

The defendant shall report to the Probation Officer within three days after being released from confinement.

The defendant shall pick up litter as designated by his probation officer or the Litter Control Officer.

Credit for time served: The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Code Section 53.1-187.

Plea Agreement: All provisions of the plea agreement entered into by the defendant and the Commonwealth are adopted by the Court by reference and shall be considered a part of this Order.

During his probationary period the defendant waives his Fourth Amendment Rights of the United States Constitution and his rights under Article 1, Section 10, of the Constitution of Virginia. A specific condition of his probation will be to allow law enforcement officers to search his person, his residence, his automobile or any property in which he has a legitimate and reasonable expectation of privacy, without first establishing probable cause. This waiver shall not expire prior to December 1, 2014.

The Defendant shall immediately make payment arrangements with the Circuit Court Clerk's Office. Failure to pay all fines, taxable costs and/or restitution may result in the court imposing the suspended sentence. The deferred suspended sentence and probation is conditional upon payment of fines, costs and/or restitution.

Pursuant to the provisions of Section 19.2-310.2, et. Seq. of the Code of Virginia, the defendant shall, as a condition of his sentence, provide a blood, saliva, or tissue sample for DNA analysis to be sent to the Division of Forensic Science, unless a sample was previously taken.

Enter this Order the 25th day of September 2008.


J. R. Carico, Judge

DEFENDANT IDENTIFICATION:

US:0X FAA 12763284331

WISE CO. CIR. JUDGE

013

SSN: 224-02-4651

D.O.B.: 01/01/1961

SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: Ten (10) years

TOTAL SENTENCE SUSPENDED: Nine (9) years

Ua Richmond

12th November, 2008
Carolyn W Mathias #141840

My Commission expires

1/31/2011

